

modifications) results in an emissions increase of SO₂ at such Unit, and such increase causes the emissions at Ratts to exceed the tonnage limitations of Paragraphs 83 or 89.

XII. PERIODIC REPORTING

153. After entry of this Consent Decree, Hoosier shall submit to Plaintiffs a periodic report, within sixty (60) Days after the end of each half of the calendar year (January through June and July through December). The report shall include the following information:
- a. all information necessary to determine compliance with the requirements of the following Paragraphs of this Consent Decree: Paragraphs 65 through 82 concerning NO_x emissions and monitoring, including all information necessary to determine whether it is technically infeasible to Continuously Operate the SCR as provided in Paragraph 70, and the surrender of NO_x Allowances; Paragraphs 83 through 108 concerning SO₂ emissions and monitoring, and the surrender of SO₂ Allowances; Paragraphs 109 through 118 concerning H₂SO₄ emissions and monitoring; and Paragraphs 119 through 131 concerning PM emissions and monitoring;
 - b. daily removal efficiencies for SO₂ emissions from Merom Unit 1 and Unit 2 and 30-Day Rolling Average SO₂ Removal Efficiencies for Merom Unit 1 and Unit 2, to demonstrate compliance with Paragraph 90;
 - c. 3-hour rolling average PM CEMS data as required by Paragraph 129, identifying all periods in excess of 0.030 lb/mmBTU or 0.015 lb/mmBTU, as appropriate, and all periods of monitor malfunction, maintenance, and/or repair as provided in Paragraph 125;

- d. all information relating to Super-Compliant NO_x Allowances that Hoosier claims to have generated in accordance with Paragraphs 79 through compliance beyond the requirements of this Consent Decree; and
 - e. all information indicating that the installation or upgrade and commencement of operation of a new or upgraded pollution control device may be delayed, including the nature and cause of the delay, and any steps taken by Hoosier to mitigate such delay.
154. In any periodic report submitted pursuant to this Section, Hoosier may incorporate by reference information previously submitted under its Title V permitting requirements, provided that Hoosier attaches the Title V Permit report (or the pertinent portions of such report) and provides a specific reference to the provisions of the Title V Permit report that are responsive to the information required in the periodic report.
155. In addition to the reports required by Paragraph 153, if Hoosier violates or deviates from any provision of this Consent Decree, Hoosier shall submit to Plaintiffs a report on the violation or deviation within ten (10) business days after Hoosier knew or should have known of the event. In the report, Hoosier shall explain the cause or causes of the violation or deviation and any measures taken or to be taken by Hoosier to cure the reported violation or deviation or to prevent such violation or deviations in the future. If at any time, the provisions of this Consent Decree are included in Title V Permits, consistent with the requirements for such inclusion in this Consent Decree, then the deviation reports required under applicable Title V regulations shall be deemed to satisfy all the requirements of this Paragraph.

156. Each Hoosier report shall be signed by the Responsible Official as defined in Title V of the Clean Air Act for Merom and/or Ratts, as appropriate, and shall contain the following certification:

This information was prepared either by me or under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my evaluation, or the direction and my inquiry of the person(s) who manage the system, or the person(s) directly responsible for gathering the information, I hereby certify under penalty of law that, to the best of my knowledge and belief, this information is true, accurate, and complete. I understand that there are significant penalties for submitting false, inaccurate, or incomplete information to the United States.

157. If any NO_x or SO₂ Allowances are surrendered to any non-profit third party pursuant to Paragraphs 81 and/or 107, the non-profit third party's certification shall be signed by a managing officer of the non-profit third party and shall contain the following language:

I certify under penalty of law that _____ [name of non-profit third party] will not sell, trade, or otherwise exchange any of the allowances and will not use any of the allowances to meet any obligation imposed by any environmental law. I understand that there are significant penalties for making misrepresentations to or misleading the United States.

XIII. REVIEW AND APPROVAL OF SUBMITTALS

158. Hoosier shall submit each plan, report, or other submission required by this Consent Decree to Plaintiffs whenever such a document is required to be submitted for review or approval pursuant to this Consent Decree. EPA may approve the submittal or decline to approve it and provide written comments explaining the bases for declining such approval as soon as reasonably practicable. Within sixty (60) Days of receiving written comments from EPA, Hoosier shall either: (a) revise the submittal consistent with the written comments and provide the revised submittal to EPA; or (b) submit the matter for